

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DIMARIS CINTRON,

Plaintiff,

23 **CIVIL** 3679 (OTW)

-v-

JUDGMENT

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Stipulation and Order dated January 30, 2024, that the final decision of the Commissioner of Social Security ("Commissioner") be reversed, and the above-captioned action be remanded under sentence four of 42 U.S.C. §405(g). Section 405(g) provides that the Court has the power "to enter, upon the pleadings and transcript of record, a judgment affirming, modifying or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing." *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Upon review of the record, the Commissioner finds that additional administrative action is warranted. Should the Appeals Council remand to an ALJ, upon remand the ALJ will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, including offering Plaintiff a new hearing, and issuing a new decision. Due to the nature of this motion, no supporting Memorandum is necessary. The parties further consent to the Court's entry of a final order. For the foregoing reasons, the Commissioner requests that this Court enter an Order and Judgment reversing the Commissioner's decision and

remanding this case to the Commissioner for additional administrative proceedings, as described above.

Dated: New York, New York

January 31, 2024

RUBY J. KRAJICK
Clerk of Court

BY:

A handwritten signature in black ink, consisting of several loops and a final flourish, positioned above a horizontal line.

Deputy Clerk